

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

AMERICAN BUILDERS	)	
INSURANCE COMPANY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	NO. CIV-19-0075-HE
	)	
CHRISTOPHER LEE & COMPANY,	)	
LLC, et al.,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff filed this action for a declaratory judgment seeking a determination that it has no duty to defend or indemnify defendant Christopher Lee & Company, LLC (“CLC”) under its insurance policy from claims arising from CLC’s construction of a home for defendants Robert and Carol Hefner. On April 24, 2019, the court administratively closed this case pending arbitration between the defendants. The Administrative Closing Order provides, in pertinent part: “If a motion to reopen is not filed within **sixty (60) days** of the entry of an arbitration award in the arbitration proceeding, this case shall be deemed dismissed without prejudice.” Order [Doc. #11]. On February 26, 2020, the arbitrator issued a final award. On July 1, 2020, plaintiff filed a motion to reopen this case. The Hefner defendants have objected, contending that plaintiff’s motion to reopen is filed out of time.

Pursuant to the terms of the Administrative Closing Order, this case was deemed dismissed without prejudice on April 27, 2020 and therefore cannot be reopened. Accordingly, plaintiff's Motion to Reopen Proceedings [Doc. #14] is **DENIED**.

**IT IS SO ORDERED.**

Dated this 23<sup>rd</sup> day of July, 2020.

  
\_\_\_\_\_  
JOE HEATON  
UNITED STATES DISTRICT JUDGE